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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/729,309	Confirmation No.:	2175
Applicant:	Dobbs et al.	Filed:	December 5, 2003
Art Unit:	3753	Examiner:	Allen J. Flanigan
Docket No.:	965-009CON2	Customer No.:	20874
TITLE:	A PLATE-TYPE HEAT EXCHANGER		

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**

The undersigned is an attorney or agent of record, and represents the owner of the entire interest in the present application, as indicated by an Assignment from the inventors of the parent patent application USSN 09/470,165 which Assignment covers this continuation application. The assignment was recorded in the United States Patent and Trademark Office on June 15, 2000 at Reel 010669, Frame 0529.

The owner of the entire interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 6,684,943 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

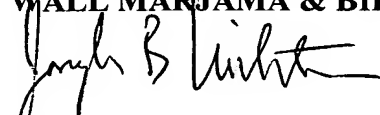
- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;

Terminal Disclaimer
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is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
has all claims canceled by a reexamination certificate;
is reissued; or
is in any manner terminated prior to the expiration of its full statutory term as
presently shortened by any terminal disclaimer.

Respectfully submitted,
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Date: October 14, 2005

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